

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|  |   |                     |
|--|---|---------------------|
| -----X                                       |   |                     |
| MARIO J. REYES,                              | : |                     |
|  | : |                     |
| Plaintiff,                                   | : |                     |
|  | : |                     |
| -against-                                    | : |                     |
|  | : |                     |
|  | : | 22-CV-7127(VSB)     |
| VICTORY’S FLAVOR CORP., a New York           | : |                     |
| corporation, d/b/a VILLAGE CREPERIE, and 145 | : |                     |
| AVENUE A REALTY LLC, a New York limited      | : | <b><u>ORDER</u></b> |
| liability company,                           | : |                     |
|  | : |                     |
|  | : |                     |
| Defendants.                                  | : |                     |
| -----X                                       |   |                     |

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on August 21, 2022, (Doc. 1.) On November 10, 2022, I ordered Plaintiff to move for leave to file an amended complaint adequately alleging standing or show cause as to why the case should not be dismissed for lack of standing. (Doc. 9.) Plaintiff moved for leave to file an amended complaint on November 14, 2022, (Doc. 10), filed an amended complaint on November 16, 2022, (Doc. 12), and filed an affidavit of service as to both Victory’s Flavor Corporation and 145 Avenue A Realty LLC on December 17, 2022, (Docs. 13, 14). The deadline for Defendants to respond to Plaintiff’s amended complaint was December 19, 2022. (*See* Docs. 13, 14.) To date, Defendants have not appeared or responded to the complaint. Plaintiff, however, has taken no action to prosecute this case. Accordingly, if Plaintiff intends to seek a default judgment, they are directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than January 6, 2022. If Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: December 23, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK  
United States District Judge